IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO.3668 OF 2004
IN
FIRST APPEAL NO.466 OF 1994
AND
CROSS APPEAL NO.275 OF 1994

Sayyad Alam Shah Kadri,
Since deceased
Through his legal heirs,

Sayed Munira Begam Kadri
& Ors. .. Applicants

Vs.

Union of India. .. Respondent

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Shri D.N.Salvi, Advocate for the applicants.

S/Shri B.A.Desai, Additional Solicitor General, with M.I.Sethna, Senior Advocate, S.R.Rajguru, A.M.Sethna, S.D.Bhosale, and Ms Naveena Kumai, Advocates for the respondent.

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CORAM : R.M.S.KHANDEPARKAR &
SMT.ROSHAN DALVI, JJ

DATED : 5TH OCTOBER, 2007

P.C.

1. Undisputedly, the appellant - Sayyad Alam Shah Kadri expired on 26th November, 1999. It is stated that the application to bring heirs on record was

filed in the Supreme Court 11 days late i.e. on 20th January, 2000. But the affidavit could not be filed till 18th March, 2000. It is stated that meanwhile the Supreme Court disposed of the appeal, and therefore, amendment application has been filed. The legal heirs cannot be brought on record by way of amendment. The Supreme Court disposed of the appeal by its order dated 14th February, 2002. The present application has been filed on 3rd September, 2003. There is neither application for setting aside abatement nor for condonation of delay.

2. The applications therefore is dismissed.

(R.M.S.KHANDEPARKAR, J)

(SMT.ROSHAN DALVI, J)